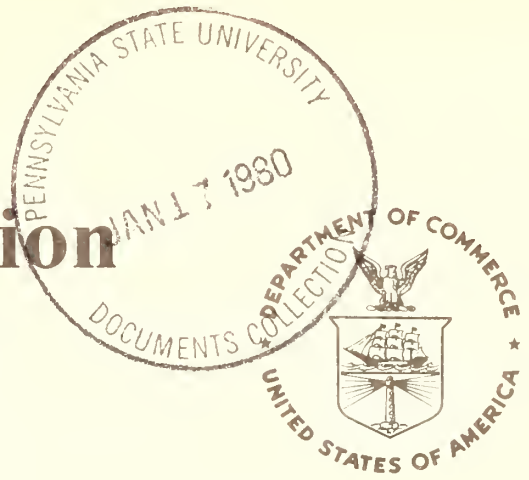



The Role of Conservation Districts in the Coastal Zone Management Program

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office of Coastal Zone Management





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The Role of Conservation Districts in the Coastal Zone Management Program



HOW districts have been involved
WHY they want to stay involved
WHAT they can do about it

Compiled and Written by
The National Association of Conservation Districts
under Contract No. MO AO1 784250
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National Oceanic and Atmospheric Administration
United States Department of Commerce

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U.S. DEPARTMENT OF COMMERCE

Luther H. Hodges, Jr. Acting Secretary

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INTRODUCTION

This publication was developed in response to a request from the Office of Coastal Zone Management for a description of the potential role of conservation districts in implementing coastal zone management programs and coordinating the nonpoint source pollution control programs being developed under Section 208 of the Clean Water Act. OCZM and EPA are, on an ongoing basis, searching for ways to improve and coordinate their efforts. Both are concerned about the ability of their programs to result in real improvements in the ways in which land and water resources are actually managed. This has resulted in a search for a local, grassroots organization that can help identify problems and opportunities, as well as lead the way to constructive action.

Since 1938, conservation districts have been involved with the control of soil erosion and the prevention of water pollution caused by excessive runoff, erosion, and sedimentation. These activities have been carried out in coastal as well as inland areas. Over the years, major concerns of coastal conservation districts have included the damages caused by shore erosion, storm damage to beaches and barrier dunes, and the special needs for soil and water management in the coastal zone.

With the advent of the Coastal Zone Management Act of 1972 (Public Law 92-583) and the Federal Water Pollution Control Act of 1972 (Public Law 92-500), two new and very powerful programs affecting this conservation effort were initiated. In addition to a common focus on the protection of water quality in the coastal zone, both programs are to be carried out by agencies of state and local government. This provides a key link for a coordinated effort that can achieve the common goals of all three programs—CZM, 208, and soil conservation.

This publication will describe the general outlines of the programs that are emerging and look at progress that has been made, particularly at the state and local level, in developing organizational arrangements and strategies for their implementation. It will look for similarities in objectives and goals, as well as operating capabilities, that will help all of the programs complement each other.

A WORD ABOUT JARGON

When people set out to talk or write about government programs, they inevitably begin to use a lot of acronyms. This “alphabet soup”, while convenient to people who understand it, is both confusing and irritating to those who do not.

This report is no exception. It mentions programs frequently by their acronym, such as CZM for Coastal Zone Management and FWPCA for the Federal Water Pollution Control Act. These help keep the writing less cumbersome than if each program or agency were spelled out in full.

A glossary of terms has been included for your reference in case we use a term that is new to you. We hope it helps. In addition, we have tried to keep as much of the “government jargon” out of the report as possible, but there are times when it is difficult to avoid.

THE CONSERVATION DISTRICT PROGRAM

A New Idea Grew out of the Dust Bowl

Concern for the fate of the Nation's soil and water resources dates back to early Colonial days, but official action to involve the Federal Government in conservation programs did not come until the Dust Bowl of the 1930's galvanized action. In 1934, a national soil erosion survey estimated that 50 million acres of land had already been destroyed for cultivated crops by gully erosion. Another 125 million acres had lost most of its original topsoil. "This wastage of the most basic and indispensable resource of the Nation, the soil, has become one of our most pressing problems," the report said.

In 1935 the Soil and Water Conservation Domestic Act (Public Law 74-46) created the Soil Conservation Service (SCS) within the Department of Agriculture to develop and execute a continuing program of soil and water conservation. The linkage between soil erosion and water pollution was recognized in that original legislation. The Act declared that the "wastage of soil and moisture resources on farm, grazing, and forest lands of the Nation, resulting from soil erosion, is a menace to the national welfare and that it is . . . the policy of Congress to provide permanently for the control and prevention of soil erosion . . ." Such a policy, the Congress stated, would ". . . preserve natural resources, control floods, prevent impairment of reservoirs, and maintain the navigability of rivers and harbors . . ."

Through legislative authorities and Departmental assignments which followed in quick succession, SCS moved within a few years from an erosion-control agency to a multiprogram agency involved in a wide array of resource conservation efforts on nonfederal lands.

Responding to the Congressional challenge demanded a two-fold effort. New scientific knowledge on the causes and cures of soil erosion and water pollution was needed and, more importantly, this knowledge had to be relayed in practical, usable form to every farmer, rancher, and land user in America. This led to the search for an institutional framework that could involve people in the conservation cause.

The Secretary of Agriculture's Committee on Soil Conservation proposed "That on or after July 1, 1937 . . . all erosion control work on private lands . . . be undertaken by the Soil Conservation Service, only through legally constituted Soil Conservation Associations." From this idea was born the Soil Conservation District.

To get the needed legislative action for the new soil and water conservation focus, President Roosevelt sent letters to state governors transmitting a model soil and water conservation district act. Every state, Puerto Rico and the Virgin Islands passed laws creating conservation districts. The formation of local districts began immediately, and by 1945, SCS Chief Hugh Bennett could report to Congress that 1,415 soil conservation districts had been organized, and that "other districts are being

organized steadily, indicating that the country will soon be covered with (them)." Bennett's prediction has, for all practical purposes, been achieved. Nearly 3,000 districts now cover more than 99 percent of the Nation.

Makeup and Responsibilities

These local units of state government are governed by local citizens and exist independent of, but partner to, the resource conservation programs of the Federal Government. Although the original purpose was erosion and sediment control, the district movement has grown to include new goals and authorities and provide new services to private land users. Through a memorandum of understanding, signed by each district and the Secretary of Agriculture, the Soil Conservation Service provides technical assistance to the district and its cooperating land users. Thus, the national goal of soil and water conservation is translated into local action programs designed to fit local conditions and needs.

Through conservation districts, the knowledge of skilled technicians is combined with the practical experience of land users to develop conservation plans tailored to the land and water resources as well as the user's skills and desires. Plans are based on locally-developed technical standards which, in turn, rely on soil surveys, water resource studies, and a broad range of natural resources research. In this way, both national concern and the latest scientific technology can be brought to the attention of the land user and, through the planning process, incorporated in his decisions on the use and management of the land.

In actual practice, a landowner makes application to the conservation district for assistance in managing soil and water. After approval of this application by the district governing body, a technician (usually an SCS employee working with the district under a memorandum of understanding) visits the land user on the land. There, the necessary surveys and investigations are made, and alternatives are presented to the land user. The land user normally chooses a course of action designed to solve the soil and water problem that is compatible with the type of land-using operation being conducted.

Once the plan has been completed by the land user, there may be more surveys and investigations, engineering designs, or other technical work needed to assure that any conservation practices are installed properly. SCS technical assistance is available for those measures that are new to the land user or difficult to apply. Under certain circumstances, there are cost-sharing funds available from other USDA programs for the installation of selected conservation practices. It is the responsibility of the land user to both install and maintain the practices. Technical assistance remains available, however, to monitor progress and effectiveness, or upgrade the conservation system if the needs should change.

The conservation district, in addition to receiving applications from and providing services to individual land users, operates a local conservation program that includes information and education, encouragement of needed research, eliciting cooperation and input from various local, state and federal agencies, and providing

services on natural resource matters to local units of government. In carrying out this program, one of the main roles of the district is to provide a sense of local priorities and guidelines so that many different programs can be efficiently allocated to meet the most pressing local problems. Districts provide, for many local jurisdictions, what amounts to a natural resources department of local government.

Districts have banded together, at the state and national levels, in private non-profit associations that can convey district needs, priorities and viewpoints in a coordinated fashion. In addition to the 52 state and territorial associations, the National Association of Conservation Districts provides these services on the national level. With headquarters in Washington, D.C., five regional service offices, and a service department located in League City, Texas, NACD speaks for districts, provides an ongoing service capability to assist them in their work, and conducts studies on natural resource subjects of interest and value to the improvement of district programs.

Districts and Water Pollution

Water quality has been an integral part of conservation district programs from their inception. Hugh Bennett's philosophy, as expressed to a Congressional Committee in 1945, was, and still is, a basic tenet of districts:

The only way in which water pollution due to erosion silt can be effectively controlled is by the adoption of soil- and water-conservation practices applied in accordance with the needs and capabilities of the land.

Today, it is estimated that around 50 percent of the 4 billion tons of sediment reaching the Nation's streams annually comes from agricultural land. Another 10 percent comes from range and forest lands, with 10 percent from eroding roadsides, construction activities, surface mined lands, and other disturbed areas. The remaining 30 percent comes from geologic erosion—natural forces at work on land relatively undisturbed by man. It is that first 70 percent that is subject to reduction and prevention by conservation practices on the land. The goal of conservation district programs is to keep soil on the land, where it is a productive resource; and out of the water, where it is a costly nuisance.

Areas of Concentration

Today, district programs still focus on the prevention of soil erosion and the control of water pollution. The 1979 Policy Position of the National Association of Conservation Districts lists the following eight priority areas for district programs:

- (1) The protection of the resource base and prevention and control of nonpoint source pollution. This includes the prevention of soil erosion and the control of pollution from pesticides and herbicides, fertilizer nutrients, animal wastes, storm-water runoff and sediment.
- (2) Comprehensive resource management on a watershed basis. This includes the utilization of all techniques, structural and nonstructural, to conserve and develop

soil, water, forest and wildlife resources within watershed units for all beneficial purposes.

- (3) Reclamation of areas previously and presently disturbed by mining for all minerals.
- (4) Improvement in the management of private, non-industrial forest lands.
- (5) Encouragement and incorporation of environmental education in schools.
- (6) The preservation and enhancement of prime agricultural, range, pasture, forest and horticultural lands. This includes management of grass or grazing lands for proper grazing.
- (7) Participation in the land-use decision process by providing resource inventories, soils information, problem identification and technical assistance.
- (8) Reclamation of areas previously and presently disturbed by urbanizing and industrial development, including sedimentation, erosion and stabilizing of roadsides.

The "Voluntary" Philosophy

With this background and philosophy, it was only natural that districts would become a part of the nation's major assault on water pollution as it grew out of the environmental concerns of the early 1970's. There were differences, to be sure, between the district philosophy and the new Federal effort. District programs had long been characterized by a voluntary approach, which most district officials felt was essential to success in gaining the cooperation of private land users. Much of the new federal effort to control water pollution was based on regulatory methods, and this gave district officials serious concern.

District officials were chary about a program that was solely regulatory in nature. They feared that there could be a widespread rejection of regulation on the part of farmers and ranchers. This would introduce added costs, fail to meet water quality goals, and threaten many of the gains that had been painstakingly achieved over the 40 years of the soil conservation movement. After much debate and discussion, districts chose to take an active role in the new pollution control efforts. By so doing, they brought the conservation district's voluntary approach to bear on the problem of nonpoint pollution control. This has resulted, since 1972, in an ever-increasing coordination between conservation district programs and the water pollution control programs emerging from federal legislation.

The basic components of a voluntary or non-regulatory program are efficient administration, research data, an ongoing information and educational effort, technical assistance, and cost-sharing for the most expensive practices. The only difference in a regulatory program is the addition of regulatory authority in those cases where it is locally determined to be needed.

THE FEDERAL WATER QUALITY EFFORT

In 1972, shortly after Executive Order had established the U.S. Environmental Protection Agency (EPA), Congress enacted Public Law 92-500, the Federal Water Pollution Control Act (FWPCA). This complex law consolidated all previous water quality legislation and set the Nation on a gigantic task "to restore and maintain the chemical, physical and biological integrity of the nation's water." In order to do this, Congress called for action to eliminate the discharge of pollutants into navigable waters by 1985 and, wherever attainable, achieve an interim goal which provides for the protection of fish, shellfish and wildlife by July 1, 1983.

Section 208, "Areawide Waste Treatment Management," is a significant part of the FWPCA. It dictates that state and local agencies be designated to develop areawide waste treatment management plans, and that such plans include methods and procedures to control, to the extent feasible, nonpoint sources of pollution related to agriculture and silviculture, mining, construction, and residual wastes.

Section 208 planning began in 1975 with the issuance of EPA guidelines and regulations. The early efforts were concentrated on regional plans, usually involving metropolitan areas. Statewide efforts followed, with additional emphasis on the nonpoint pollution problems created by agriculture and forestry. This process is only recently beginning to produce plans, which must be approved by EPA before they are deemed to meet the requirements of Section 208.

Regional and state-level planning is central to this process. Section 208 sought to establish a continuing planning process, updated annually to meet current problems. It further called for the management of nonpoint sources of pollution by appropriate methods. As state plans began to take shape, it became clear that local participation would play a major role in the effort. It also became clear that there were close correlations between the programs of conservation districts and the local mechanisms that would be needed to prevent nonpoint pollution.

In 1977, the National Association of Conservation Districts, under a grant from EPA, prepared a publication entitled "Conservation Districts and 208 Water Quality Management". This book was designed to acquaint water quality planners and others with conservation district activities in water quality management. It discusses relevant resource information, technical materials, and operating procedures. It also contains an extensive description of conservation district capabilities and the possible areas and methods of participation by districts in Section 208 planning with respect to each of the 16 water quality planning elements required by the EPA regulations.

Of the 16 elements required by EPA, conservation districts were found to be able to play a major role in five: nonpoint source problem identification and assessment; nonpoint source control needs (Best Management Practices); target abatement dates; alternative nonpoint

source program structures (voluntary, regulatory, or possible combinations); and management agency designation for implementing the nonpoint source control plans.

Still lacking from the 208 effort, however, was a means of implementing the plans that were developing. The economic dislocations that might be caused in agriculture and forestry by the mandated application of all necessary erosion control practices precluded this approach as a practical alternative. Conservation districts, with their voluntary approach, could not be expected to gain adequate cooperation if land users were not offered some form of economic incentive to offset the costs of pollution control.

This led to enactment, in 1977, of a new subsection (j) to Section 208. This subsection established a program known as the Rural Clean Water Program (RCWP), which authorizes the Secretary of Agriculture to enter into five- to ten-year contracts with private land users to provide technical assistance and cost-sharing for the installation of Best Management Practices (BMPs) for preventing nonpoint pollution from rural lands. Conservation districts are cited in Section 208(j), and given responsibilities to help set local priorities for assistance under the program, as well as assist with the administration of part or all of the program if the Secretary of Agriculture so designates.

The development of regulations for the Rural Clean Water Program has resulted in a program that is to be limited to high-priority areas identified in 208 plans. It is a voluntary program, similar in many respects to earlier cost-sharing efforts based on long-term contracts, such as the Great Plains Conservation Program administered by SCS. Projects have not been started under RCWP, however, due to the lack of funds. No money was appropriated in FY 1979, the first year of the two-year authorized life of the program.

The RCWP is based on the philosophy that water quality will be enhanced to the maximum feasible extent by the installation and maintenance of conservation practices on the land. These practices, termed Best Management Practices (BMP's) in the language of 208, are usually one or several conservation practices that, taken singly or in combination, result in the application of the best practical conservation technology to the land. By the application and maintenance of these BMP's, the land user is making a good-faith effort to minimize water pollution from his land.

BMP's are defined (40 CFR 35.1521-4 (c), May 23, 1979) as: "those methods, measures, or practices to prevent or reduce water pollution and include but are not limited to structural and nonstructural controls, and operation and maintenance procedures."

Since most pollutants from nonpoint sources are transported to surface waters by overland flow, BMP's which reduce the delivery of sediment, nutrients, pesticides and organic wastes to water are usually the same as the conservation practices applied to land to prevent soil erosion.

While BMP's can be selected on the basis of nonpoint

source problem area identification and assessment, precise combinations of BMP's for a given land situation and their design can only be selected on the basis of an on-site planning process. In so doing, the historic approach of the soil conservation district programs in assisting individual land users are of particular value.

The same BMP's used to reach land protection and water quality objectives can often be used in the coastal zone to protect coastal waters from sediment, nutrients, pesticides and animal wastes.

Practices or BMP's for shore erosion control may also be adapted from land conservation techniques, but will usually be more sophisticated. In areas where shore erosion problems can be handled with vegetation, selections of plant materials, site preparation and planting methods must be carefully planned, installed and maintained.

Structural BMP's for shore erosion control are expensive to install and maintain, and must also be selected and planned with great care.

Conservation practices for land protection, BMP's for water quality, and measures for coastal and shore erosion have a common need for site-specific problem identification and assessment, selection of the best, most cost-effective alternatives, careful installation, and continuous maintenance. All require careful consideration of soils, climate, vegetation, and costs. All draw on the same professional disciplines: soil science, plant science, engineering and economics. And, finally, all must be understood and acceptable to the people who must install and maintain them—the owners and operators on the land.

Conservation districts have the experience, expertise and local judgment to help solve local problems in land protection, water quality, and shore erosion to address these problems either singly or in combination. The RCWP would, if funded, add to the capability already available to encourage land users to take advantage of this service.

Despite the uncertainty created by the lack of funding for the Rural Clean Water Program, the 208 program is at a significant crossroads. Planning efforts are in full swing and initial plans are completed, or nearly completed, on the agricultural nonpoint problems in most states. It is time to start action programs. The shape of those action programs, how they will relate to ongoing conservation district programs, and what they will mean to the nation's private land users is a major question. In the 500 counties that border the nation's coasts, another question of equal significance arises. How will these pollution prevention programs affect, and assist, the Coastal Zone Management effort?

THE COASTAL ZONE MANAGEMENT ACT

The same year the FWPCA set out to eliminate the discharge of all pollutants into navigable waters by 1985, Congress enacted the Coastal Zone Management Act (CZMA), PL 92-583. It established a program within the Department of Commerce to help states manage the

competing demands on the lands and waters surrounding the nation's coasts. A key intent of the Act is management of those near-shore activities which have a "direct and significant" impact on coastal waters.

The program encourages states to reaffirm state and local authority over the land and water in the coastal zone through development of management programs. Federal grant funds are administered by the Office of Coastal Zone Management (OCZM) to assist the states in this task. Designated to receive assistance under the CZMA were 35 states and territories adjacent to the Atlantic and Pacific Oceans, the Gulf of Mexico, and the Great Lakes. In 1976, amendments to the CZMA added shoreline erosion as a necessary consideration in each state program.

A significant characteristic of the CZM program is that it is voluntary. There are no sanctions placed on any state which chooses not to participate.

A second important trait of the CZMA is its emphasis on the leadership of state and local government. Three optional means of implementation are provided for in the act: direct state administration; local administration subject to state-established standards; and local administration subject to state review.

The participating states must, pursuant to the act, address the following nine points:

1. Identification of coastal zone boundaries;
2. Designation and inventory of areas of particular concern (these may be of economic as well as environmental significance);
3. Broad guidelines on priority of uses of particular coastal areas including, specifically, lowest priority uses;
4. A determination of permissible land and water uses which have direct and significant impacts on coastal waters;
5. The means by which the state proposes to control those uses (this refers to implementation authorities the state will use to make its program work);
6. An organizational structure to implement the program;
7. A planning process to deal with the issue of public access to the coast;
8. A planning process for shoreline erosion; and
9. A planning process for the siting of energy facilities.

Grants

Federal grants for planning are provided under Section 305 of the CZMA. Grants for implementation are provided under Section 306. Once a state program has been developed by the state, the state may seek the approval of the Secretary of Commerce. If federal approval by the Secretary is given, the state is then eligible for 306 implementation grants to implement the program.

A key part of the act is Section 308, which established the Coastal Energy Impact Program (CEIP). This authorizes financial assistance to states to meet needs resulting from activities specifically related to energy development.

Interagency Cooperation

Finally, the act emphasizes interagency cooperation at all levels. Under Section 307, the "federal consistency" clause, federal agencies are directed to conduct their programs and activities to the "maximum extent practicable" in a manner consistent with the state's approved coastal management program. Conversely, the section directs states to coordinate with federal agencies during development of their program. This clause provides a challenge and opportunity for state and local governments to require a greater accountability from federal agencies and gives state and local officials an important growth management tool.

The Environmental Protection Agency, in cooperation with OCZM, has established guidance for coordination between the Coastal Zone Management program and state and areawide water quality management programs.

Growing out of a joint letter in August, 1975, between EPA and OCZM, the guidance report calls for integration of work plan elements (such as inventory and data collection), mutual participation in advisory and review groups, documentation of coordination efforts, and coordination of the EPA water quality program and the CZM program at the state level, where possible.

The CZMA provides for compatibility with water quality programs developed in response to the Clean Water Act. The Act dictates that water quality programs or standards in the coastal zone must not be violated by the CZM program. But it is obvious that there needs to be a more tangible link between 208 and coastal zone management programs. Conservation districts, by their legal authorities, and as one of the local institutions implementing 208 programs, provide a logical organization for tying 208 and CZM programs together on the issue of controlling coastal erosion and pollution from agricultural uplands.

OTHER MAJOR FEDERAL ACTIVITIES IN THE COASTAL ZONE

A summary of some other major federal activities that strongly affect both the coastal zone management efforts and the conservation district programs in the coastal zone will help draw a picture of the important interrelationships which have historically existed.

Many federal agencies have activities in the coastal zone, and each in its own right is concerned with the water quality and other impacts of its own programs. A major category of federal agencies are those that manage federal lands in the coastal zone. This is mainly the Forest Service, Bureau of Land Management, and the National Park Service, although there are major federal holdings by the Department of Defense as well.

Other federal agencies operate grant programs that encourage state or local agencies to purchase and manage land in the coastal zone. These might be recreation or wildlife management areas, encouraged by grants or other funds from agencies of the Department of the Interior or transportation facilities encouraged by grants from the Department of Transportation. A growing

number of sites are devoted to energy facilities, many of which are operated under federal permit or with federal funding.

Federal programs are also available to provide loans, grants, or cost sharing for the construction of facilities, including conservation practices, in the coastal zone. Several of these are within the Department of Agriculture, but others are under the Department of Commerce, Housing and Urban Development, and Interior.

Two agencies provide technical assistance to landowners in the planning and installation of conservation and shore erosion control measures in the coastal zone, the Soil Conservation Service (SCS) and the U.S. Army Corps of Engineers (CoE).

Soil Conservation Service

The Soil Conservation Service (SCS) of the US Department of Agriculture provides many services necessary for sound coastal zone management. Working primarily through districts, the SCS provides technical assistance to individuals, groups and units of government in planning and carrying out locally adapted conservation programs. Land users are aided with the installation and maintenance of conservation practices and measures that meet their needs and objectives. In turn, the resource base is protected.

Other services provided by SCS include forestry assistance through soil mapping, soil-related forest management interpretations and erosion control assistance to forest lands; accelerated technical assistance on mined-land reclamation (all states in the coastal zone have some involvement in mining activities); technical assistance for pasture improvement (much of the land in coastal areas is used for pasture and hay and needs proper management); floodplain management assistance (almost every coastal conservation district has a significant area of flood-prone lands); soil surveys (SCS has national leadership) which identify the potential of the land for alternative uses; and operation of Plant Material Centers.

To help meet the many needs for improved plant materials, SCS operates, funds or provides technical assistance to 22 Plant Materials Centers in the United States. Approximately 16,000 domestic and foreign plant collections are being comparatively evaluated at any one time in these centers. Special emphasis is placed on selecting plants for stabilizing critically eroding areas such as sand dunes, streambanks and shorelines. Most of the plant-materials work is carried out in cooperation with other federal agencies, state experiment stations, and state departments of natural resources, conservation or wildlife. For example, SCS is cooperating with the Corps of Engineers in evaluating and selecting plant materials to be used alone or in combination with structural devices under the Shoreline Erosion Control Demonstration Act of 1974, PL 93-251.

Army Corps of Engineers

The CORPS' Shoreline Erosion Control Demonstration Program is a program of unique interest to conservation districts. Section 54 of the Water Resources Development Act of 1974 authorized a program which

would, over five years, construct low-cost prototype shoreline erosion control devices, both engineering and vegetative, on the Atlantic coast, the Pacific coast, the Gulf coast, and the Great Lakes. The areas selected for demonstrations were to contain a variety of geographic and climatic conditions.

The program is designed to demonstrate to private property owners the types of measures that they, themselves, can install. A key point to remember is that 75 percent of the shoreline of the country, excluding Alaska, is privately owned.

The program, it is fair to say, was initiated not solely because of private landowners; but also because of public interest in the damage to recreational, water quality and marine resources. Nearly half of the Nation's population lives in coastal counties, and the demands placed on coastal lands and waters is by far the most intense of any region in the nation.

It might be noted here that, while the CORPS program is helpful to those who have already built or purchased homes in coastal areas, other programs, such as CZM, are working to direct new development away from areas which are subject to erosion and other natural hazards.

However, the CORPS' Shoreline Erosion Control Demonstration Program is serving an important function right now. Equally as important as construction and monitoring of erosion control devices at the 16 selected sites is the dissemination of information about low-cost means to control and prevent shoreline erosion. A Shoreline Erosion Advisory Panel (SEAP), composed of 15 members from different parts of the country, institutions of higher learning, etc., is directed by subsection 54(d)(2)(E), to "recommend means by which the knowledge obtained from the project may be readily available to the public."

The CORPS' project and the other federal programs that conservation districts work with in the coastal zone are important links in coastal conservation efforts.

COASTAL STABILIZATION

When measuring conservation district involvement in the coastal zone, there is an important distinction to be made between district involvement (or lack of it) with coastal zone management agencies and the long history of district involvement in dune stabilization and shoreline and estuarine erosion control.

Shore erosion problems have been a major concern of conservation districts in the coastal zone since they were organized. This concern led, in 1963, to the organization by NACD of the National Committee on Shore Erosion. This committee was later broadened and named the Coastal and Shore Resources Committee. Objectives of the committee include gaining support for pilot or demonstration projects, developing a working relationship with OCZM, encouraging coastal states with significant problems to develop and implement control programs through appropriate legislation, expanding needed research, and expanding the use of adapted plant materials for erosion control.

Districts have long responded to landowner requests for assistance, particularly if SCS help was available. Concern with such matters as stabilization of the backside of dunes has prompted districts to assist beach property owners in such activities as planting and fertilizing vegetation and building sand fences since the mid-forties.

The following story from Delaware is typical of the kind of beach stabilization and coastal erosion activities which have occurred over the years.

A district cooperator, living on a coastal river bay in the 1950's, had a beach erosion problem which the SCS plant materials specialist helped him tackle. This landowner shaped his shoreline and planted it to grasses ranging from cord near the water to coastal bermuda high up the beach. The results were positive, and reported at a state association of conservation districts meeting. At that meeting, Delaware Highway Department representatives wanted to know more about coastal vegetation, since they managed 13 miles of the coastal area. As a result, the Highway Department became a district cooperator and utilized the services of the plant materials specialist and others.

One of the products of this cooperation was establishment of a fertilizer trial area and a beach grass nursery. This early start provided important information that was put to good use after a storm in the '60s. Dunes were flattened so that the area looked like a desert. The SCS plant materials specialist responded to the districts' call for help by recommending immediate aerial fertilization of the area based on his examination of plant fragments in the storm-bulldozed area. The fertilization was so successful that regular aerial fertilization is still carried out by the State.

The storm damage was not limited to public property. Private landowners turned to districts, and one landowner took on the job of producing grass, using techniques learned from his district. That small start led to the establishment of a nursery which is now used to increase new selections of beach grass each year.

Shoreline work by Delaware districts continues to result in landowner requests for dune stabilization and erosion control assistance.

In Oregon, coastal conservation districts' experience in shore erosion and dune control dates back to the Civilian Conservation Corps days of the 1930's. Some of this early work stands out today as prime examples of what can be done.

More recently, one Oregon soil and water conservation district has used CZM (Section 305) planning grant funds to plan for cooperative stream corridor management on an estuary. District, state and federal agency officials recently met with local landowners and operators to talk about needs and assign responsibilities for cooperative management of the river and its corridors. Removal of unused piling and snags as part of the restoration of the river has already occurred through this activity.

Oregon conservation districts are cited in an amendment to the state's coastal management law which states that conservation districts, through their programs, have major responsibilities for developing and implementing specific shoreline erosion control policies. Conservation districts can now proceed in an orderly fashion to incorporate these "specific erosion control policies" into their county comprehensive plans. (Local land planning in accordance with statewide goals is required in this state.)

In Maine, the Waldo County Soil and Water Conservation District has subcontracted with four towns to provide mapping of important agricultural lands and flood-prone areas. The idea was originally recommended to the towns by the district. In this instance, the towns use CZM funds and serve as the contractors.

SHORE EROSION/MITIGATION PLANNING

Process Elements had either been included in the 14 approved state plans or covered by approved or proposed amendments to the state plans as of June 1, 1979.

Policy and planning process guidelines were examined in five plans and found to be comprehensive in scope. Sources of technical and financial assistance were identified in some plans including the conservation districts, Agricultural Conservation Program of the Agricultural Stabilization and Conservation Service, and the Soil Conservation Service.

Here are some highlights of how some other states are dealing with erosion issues as reported in "The First Five Years of Coastal Zone Management; An Initial Assessment," OCZM, NOAA, March 1979.

Erosion is one of the major issues with the **Michigan** program deals. Using the authorities provided in several existing Acts—the Soil Erosion and Sedimentation Control Act of 1976, the Sand Dunes Protection and Management Act of 1976, and the Shorelands Protection and Management Act of 1970—Michigan has used CZM funding to identify, designate and more effectively manage over 125 miles of high-risk erosion-prone areas along the shoreline of Lake Michigan.

Included among the enforceable policies of the **California** Coastal Act are several dealing with development in erosion and earthquake-prone areas, and areas where there are important aquifers. These policies all constitute criteria on which the States and Regional Coastal Commissions base permit decisions.

In developing its coastal management program, **New Jersey** developed regulations restricting development in high-risk erosion areas.

New York has introduced legislation that will establish a construction setback tied to the 30 year recession rate.

In **Pennsylvania**, one beneficial result of earlier program funding was the development of erosion control and setback ordinances that have since been enacted into law by three local communities along Lake Erie.

Under authorities contained in **North Carolina's** Coastal Area Management Act, the State's Coastal Commission has identified and designated erosion-prone areas as Areas of Environmental Concern (AEC's). These AEC's are now subject to a permit before any development is allowed in these areas.

Rhode Island identified significant erosion areas in its coastal program and established setback requirements and other restrictions in regulations.

ACTION POTENTIALS

When district officials from all parts of the country, comprising the NACD Coastal and Shore Resources Committee, assessed the results of this report, it was decided that they needed to determine ways that districts could get further involved in CZM programs, and that CZM agencies could utilize district services. It was agreed that districts need a list of benefits they can realize from CZM. If districts establish more formal ties with the national and state CZM program, what will it mean to them as longstanding institutions of local government with established programs and give-and-take networks of assistance and communication firmly established in the community? To be candid, what is in this program for them? Beyond that, what are the steps which need to be taken to become further involved with CZM officials and programs? Next, what district activities can reasonably be funded through CZM? Then, what benefits can CZM programs derive from districts? What specific services can districts provide to CZM agencies? Twenty-nine areas of district expertise were listed, which CZM can call on for assistance.

Then, the Committee along with NACD staff and officials asked for a summary statement of roles that state soil conservation agencies and state associations of conservation districts should and can play in this effort. These listings comprise a working list action benefits and potentials which are included here.

Action Potentials

What Benefits Can Districts Realize From CZM?

For Conservation Districts

1. Inclusion of district objectives, plans and projects in CZM plan
2. Influencing and encouragement of unified and streamlined permitting procedures
3. Increase of the capabilities of both districts and CZM to implement needed work
4. Coordination of 208, CZM and district programs at the local level

How, Then, Can Districts Become Involved In CZM?

1. Be involved with COGs, RC&Ds, County governments, port authorities, municipalities, townships and others
2. Establish communications with state CZM agencies
3. Make districts' expertise, technical capabilities and other resources known
4. Develop list of district needs which CZM might address
5. Offer to assist in planning and implementation work
6. Invite coastal zone management coordinators and officials to such annual and regional meetings as urban erosion sedimentation symposia

What Benefits Can CZM Realize From Conservation Districts?

For Coastal Zone Management Agencies

1. The conservation district, authorized under state law to carry out programs for conservation of soil and water and related resources, provides a local focal point for implementing the coastal and shore erosion phase of CZM plans.
2. CZM officials can, under memoranda of agreement, delegate specific local implementation functions to conservation districts
3. Districts can provide local coordination on elimination of duplicative activities in CZM, water quality, and soil and water conservation programs
4. Districts can provide CZM officials with data on resource problems such as erosion, land use, and water quality and technical assistance to implement local projects to solve them
5. Through conservation districts, CZM officials can gain access to private landowners to develop voluntary participation in CZM implementation
6. Districts can identify for CZM officials viable CZM projects consistent with the CZM plan

What Specific Services Can Districts Provide To CZM Programs?

1. On-site assistance to land users in developing a conservation program that meets their needs and the needs of the land
2. Soils information which provides the basis for needed interpretations of the potential and present condition of cropland, rangeland, woodland and pasture, hayland, and forest land
3. Assistance to land users including information about the potential of the land for alternative agricultural uses, the limitations or hazards to the land associated with specific uses and alternative conservation practices necessary to protect and maintain the productivity of the resource for selected uses
4. Assistance to land users for the installation and maintenance of conservation practices and resources that meet the needs and objectives of the land user and in turn achieve protection of the resource base
5. Soil mapping for forest management; technical assistance in forest land use decision making and on-site resource planning assistance; and provision of erosion control assistance for forest lands
6. Assistance in mining activities and related activities which drastically disturb the land to reclaim or stabilize these areas
7. Communication with planning and regulatory agencies of ways to incorporate resource data into their regulations
8. Engineering assistance through the Corps of Engineers and the Soil Conservation Service on erosion problems common to beaches and shorelines of lakes, tidal bays and estuaries
9. Other engineering assistance on grade stabilization structures, surface drains, water level control structures, flood control, dikes, tide gates, open channels, and marsh development
10. Participation in selected river basin studies with emphasis placed on water and water related land resources, such as flood plains, irrigated lands, wetlands, coastal areas, water quality, and critical sediment producing areas
11. Conservation Districts can evaluate the actions taking place on flood plains:
 - new homes, schools, industries and commercial enterprises being built
 - flood restricting culverts or bridges being built
 - land fills or quarries
 - natural vegetation being disturbed
 - new highways
 - agricultural land being converted
12. Provision of inventories on wind and water erosion and sediment delivery

**What Specific
Services Can
Districts Provide
To CZM Programs? (con't)**

13. Coordination and administering of cost sharing financial assistance:
 - Watershed Protection and Flood Prevention Program
 - Resource Conservation and Development Program
 - critical area treatment
 - flood prevention
 - agricultural water management
 - public recreation
 - fish and wildlife developments
14. Technical assistance in designing, laying out and checking the construction and maintenance of dams, terraces and other structures, in selecting plant varieties, seeding methods and rates and cultural practices to establish grass or trees as planned, and in solving problems that arise in managing pastures, woodlands or wildlife habitat
15. Information about adapted plants or crops for each type or group of soils
16. Information about alternative land uses and treatment to control erosion and reduce sedimentation
17. Assistance to governments in inventorying their natural resources and planning for wise use of the resources.
18. Interpretive information on the potential and limitations of different kinds of soil for various uses to help city and county officials, engineers, land-use planners, developers, contractors and builders
19. Coordination with state forest agencies on non-federal, nonindustrial forest-land management
20. Assistance with information and education programs
21. Coordination with university extension services for advisory assistance
22. Coordination of 208, CZM and district work at the local level
23. Remapping for flood insurance
24. Provision of technical ability for interpreting already existing data
25. Involvement in the erosion-control phase of coastal zone management programs
26. Advice on how development will affect a limited finite resource, such as a barrier island
27. Animal waste management
28. Removal of sediment from estuary channels
29. Specialized assistance in the use of vegetation for stabilizing sand dunes, streambanks and shorelines

What Roles Can State Soil Agencies Play?

For State Soil Conservation Agencies

1. Provide liaison with CZM agency, other agencies and state association of conservation districts
2. Provide information and guidance to CZM and to conservation districts
3. Coordinate efforts and information of individual districts
4. Assist with staffing and funding

What Roles Can State Associations Play?

1. Perform the CZM advocacy function with state legislature and federal, state and local agencies
2. Seek budget and authorization for adequate funding and staffing
3. Assist with information, education and training for district officials
4. Establish coastal and shore resources committee to deal with CZM program

CONCLUSION

As the various coastal zone management programs move from planning and development stages, the emphasis is increasingly toward local implementation of the program. Both conservation districts and coastal zone management programs believe in government by local people governing themselves to the maximum extent possible. There is much to be gained from open

communication between conservation districts and coastal zone management programs. This report is a beginning, and points out the need for continued effort. For if open dialogue between districts and CZM agencies and the realization of common purpose occurs, then all the early and continuing efforts of local programs by local people in this country's coastal zone will not have been isolated straws in the wind.

Acknowledgements

Special thanks and gratitude are extended to the members of the NACD National Coastal and Shore Resource Committee:

Stanley Christensen
Salem, Oregon

James Bellamy
Shallotte, North Carolina

William Chamberlin
Mannsville, New York

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Opelousas, Louisiana

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South Carolina Coastal Council

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Louisiana State Soil and Water
Conservation Committee

Acknowledgements (con't)

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and the many others interviewed; members of the interagency advisory team:

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Washington, DC

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Plant Materials Specialist
Soil Conservation Service
US Department of Agriculture
Washington, DC

Dale Manty
Agency Liaison
Coastal Zone Management
Environmental Protection Agency
Washington, DC

and to:

Dallas D. Miner
Chief, External Relations
Office of Coastal Zone Management
National Oceanic and Atmospheric
Administration
US Department of Commerce
Washington, DC

to whom we are indebted for his tireless patience and encouragement.

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Resources Committee
National Association of
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Mary E. Garner
Legal Consultant
National Association of
Conservation Districts

A COMPARISON OF THREE PROGRAMS WHICH AFFECT WATER QUALITY

Conservation District Programs

Basic Authorities—

Originally modelled on "A Standard State Soil Conservation District Law" distributed to the Governors by the President in 1937, all 50 states, Puerto Rico and the Virgin Islands adopted laws for creation and operation of locally governed soil conservation districts

Purposes (General—varies slightly by states)

- create conservation districts
- prevent erosion and sedimentation
- conserve soil, water and other natural resources
- establish state soil conservation agency
- empower districts to adopt programs and legislation
- adoption and carrying out soil conserving practices
- etc.

Scope

- prevent damage by wind and water erosion, floodwaters and sediment
- conserve and develop water
- protect and enhance wildlife
- prevent impairment of streams, dams and reservoirs
- protect the tax base
- provide technical assistance to land-owners in developing conservation plans to control erosion
- provide technical assistance in applying conservation practices
- conduct surveys, studies; provide basic resource data
- coordinate natural resource programs at local level
- receive and direct technical and financial assistance to achieve objectives

Coastal Zone Management Programs

Basic Authorities—

P.L. 92-583, Coastal Zone Management Act of 1972
 P.L. 94-370, Coastal Zone Management Act of 1976
 State laws by which the state exerts control over the land and water uses.

Purposes

- preserve, protect, develop, restore or enhance the resources of the coast
- development and implementation of state management programs
- cooperation and participation of state and local governments
- public participation

Scope

- development of management programs to achieve wise land use
- implementation of management programs
- coordination with other Federal and State agencies
- coastal energy impact
- shoreline erosion control
- access to the shore
- marine and estuarine sanctuaries
- concern with national interest in managing the coastal zone
- grants to states and local government units for developing plans and implementing programs
- provide technical assistance to local units through state government
- financial assistance to install local shore erosion projects consistent with state plans

Section 208 Water Quality Management Programs

Basic Authorities—

P.L. 92-500, Federal Water Pollution Control Act Amendments of 1972
 P.L. 95-217, Clean Water Act of 1977, (Particularly section 208 "Areawide Waste Treatment Programs" including nonpoint sources) State water quality legislation and standards.

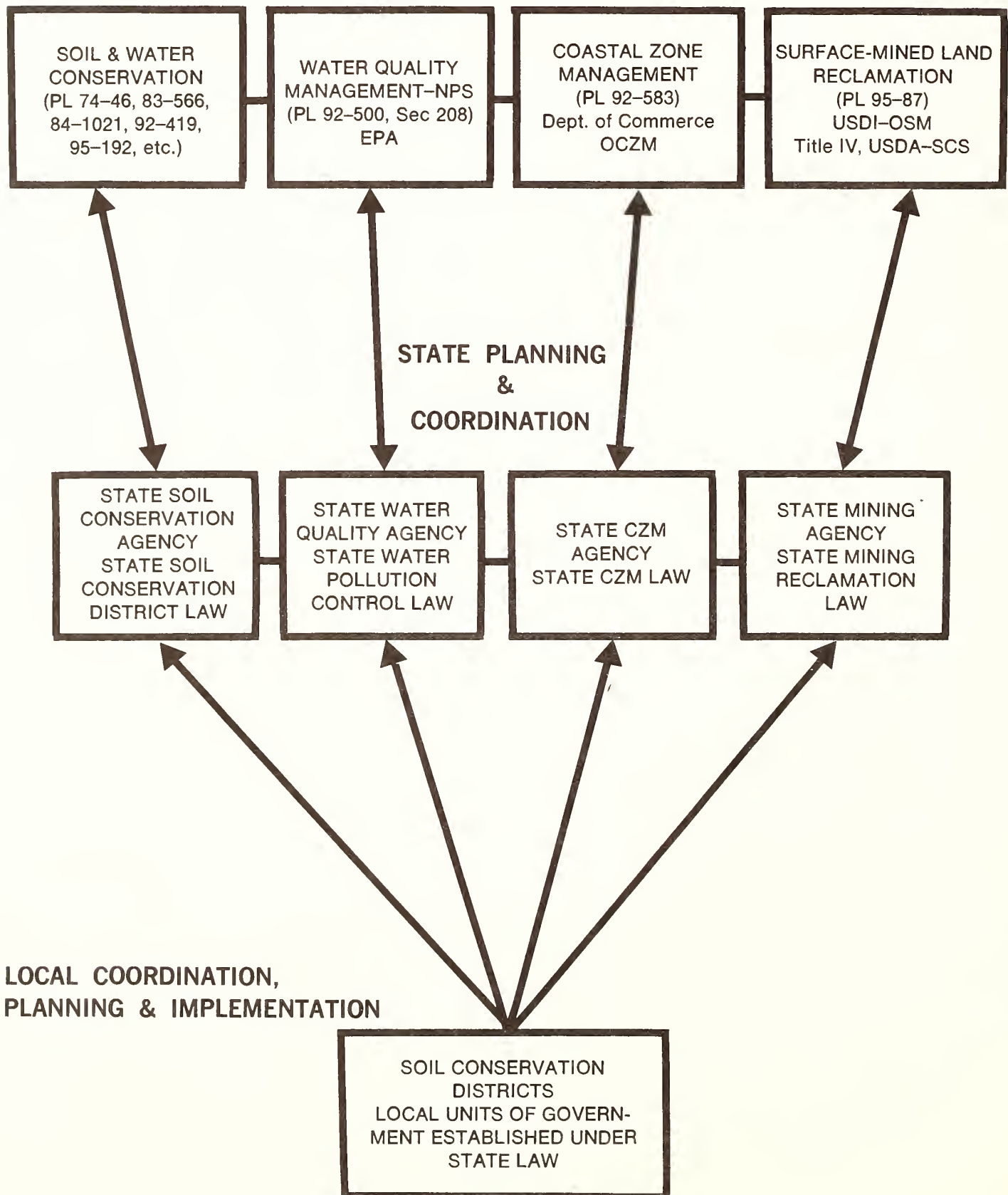
Purposes (in part)

- restore and maintain the chemical, physical, and biological integrity of the nation's waters
- discharge of pollutants eliminated by 1985
- wherever attainable, make waters fishable and swimmable by 1983
- areawide waste treatment and management processes to be developed and implemented
- nonpoint pollution control through designated areas
- federal financial aid to landowners for installation of nonpoint pollution control measures

Scope

- agriculturally, silviculturally, mine oriented, and construction sources of pollution, including soil and sediment-related pollutants
- runoff from manure disposal areas
- dissolved salts in irrigation return flows
- 106—grants to states to assist in administering pollution control programs
- 109—grants for demonstration projects for controlling pollution in Great Lake watersheds
- 208—Rural Clean Water Program (cost share best management practices)
- 314—financial assistance to states to carry out methods and procedures to restore quality of fresh water lakes

**FEDERAL, STATE AND LOCAL RELATIONSHIPS: RESOURCE
CONSERVATION PROGRAMS ON NONFEDERAL LANDS
NATIONAL CONCERNS**



Sample

Memorandum of Understanding

between

the State Coastal Zone Management Agency, the State Soil Conservation Agency

and

the _____ Conservation District

The State CZM Agency has the responsibility under (citation to state law) of carrying out the requirements of the CZM Act of _____ for the State of _____.

The State Soil Conservation Agency has the responsibility under (citation to state law) for the development and coordination of programs in the state for the conservation and protection of its soils, waters and related natural resources.

The _____ Conservation District has the responsibility under (citation to state law) to carry out a program for the conservation, protection and proper use of the soils, waters and related natural resources within its boundaries.

This memorandum of understanding is entered into on _____, 19____, between the _____ Coastal Zone Management Agency, the _____ State Soil and Water Conservation Commission, and the _____ Soil and Water Conservation District, for the purpose of furthering their common objectives of controlling, preventing and mitigating damages to the coastal areas of the nation resulting from erosion, sedimentation and related causes.

- I. What the State Coastal Zone Management Agency will do:
 - A. Develop overall planning for the development, control, prevention and mitigation of damages to the coastal zone areas of the state
 - B. Provide information as to authorities, limitations, problems and needs in CZM area
 - C. Provide funding, if deemed within CZM ability to do so, for cost-share assistance for measures having substantial public benefits (where the costs exceed the benefits to the landowner); specific agreements will be developed with affected districts for each approved CZM project
- II. What the District will do:
 - A. Furnish soils information
 - B. Assist the CZM Agency in developing and implementing comprehensive CZM plans
 - C. Develop and/or review plans for erosion and sediment control measures, including nonstructural measures
 - D. Provide on-site planning assistance
 - E. Provide information on agricultural conservation measures and practices being conducted through districts with landowners in the coastal zone to the CZM agency

- F. Provide information on non-public forest and construction erosion projects being conducted by districts in the coastal zone
- G. Administer cost-share assistance as approved by the State Coastal Zone Management Agency and funded under specific agreements for each CZM project.
- H. Cooperate in sponsoring and coordinating public-participation and education programs
- I. Coordinate district-level Section 208 Water Quality programs with CZM projects
- J. Provide such other assistance as needed and available

III. What the State Soil Conservation will do:

- A. Assist with education and information programs designed to make the public aware of the need for the control, prevention and mitigation of damages to the coastal zone areas of the state
- B. Keep the State CZM Agency and the District informed on planning and development proposals that affect the protection of the coastal zone areas of the state including soil conservation programs, Section 208 Water Quality Management programs, etc.
- C. Consider and, as appropriate, provide fiscal and coordination support to assist District and, if deemed within state soil conservation agency to do so, state CZM Agency, in carrying out its responsibilities under this agreement

IV. It is mutually agreed that:

- A. The parties to this agreement will meet periodically and at least annually to review and coordinate their individual programs and activities for maximum mutual benefit
- B. Either party using information from the other party in a publication shall credit the provider of the information and shall give the provider opportunity to review drafts of the publication
- C. This memorandum may be amended or terminated at any time by mutual consent of the parties hereto or may be terminated by any party giving sixty (60) days' notice in writing to the others

In witness whereof, the parties hereto have entered into this agreement on the day, month and year written above.

State CZM Agency

By: _____

State Soil Conservation Commission

By: _____

Conservation District

By: _____

27apri179

DEPARTMENT OF THE ARMY
Office of the Chief of Engineers
Washington, D.C. 20314

DAEN-CWP-A

EC 1105-2-59

Circular
No. 1105-2-59

21 May 1976

EXPIRES 31 MARCH 1977
Planning
MEMORANDUM OF AGREEMENTS WITH SOIL AND WATER
CONSERVATION DISTRICTS

1. Purpose. This circular provides a standard format for a memorandum of agreement between a District Engineer and a Soil and Water Conservation District, and encourages District Engineers to enter into such agreements. The circular also clarifies the guidance on when Corps Districts should initiate such agreements. Prior to the expiration date of this circular, the information contained herein will be incorporated into a regulation in the 1105-2-XXX series.
2. Applicability. This circular is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.
3. Reference. ER 1105-2-800.
4. General. In many areas across the nation, the Corps of Engineers and Local Soil and Water Conservation Districts are cooperating in work to conserve land and water resources. Representatives of the National Association of Conservation Districts have suggested that a formal Memorandum of Agreement be developed and utilized to solidify this type of cooperation and to form the basis for cooperation in areas where it may not now exist. The Director of Civil Works supports the suggested formalization of agreements on a case-by-case basis to assist in achieving the Corps public involvement objective, as discussed in ER 1105-2-800.
5. Interim Guidance.
 - a. The National Association of Conservation Districts will be requesting their member Districts to contact field operating agencies concerning the establishment of formal agreements, as appropriate. District Engineers may also initiate an agreement on a case-by-case basis as the need arises.
 - b. District Engineers are authorized to sign a Memorandum of Agreement, (Appendix A), and to make such modifications as deemed appropriate by the Corps or the Soil and Water Conservation District.

This circular supersedes EC 1105-2-41 dated 24 October 1975.

EC 1105-2-59
21 May 76

6. Revisions to Interim Guidance. Field operating agencies may submit suggested revisions to this circular to HQDA (DAEN-CWP-A) WASH DC 20314.

FOR THE CHIEF OF ENGINEERS:

A handwritten signature in dark ink, appearing to read "Marvin W. Rees". The signature is written in a cursive, slightly stylized font.

1 Appendix
APP A - Memo of Agreement

MARVIN W. REES
Colonel, Corps of Engineers
Executive Director of Civil Works

MEMORANDUM OF AGREEMENT

Between the

_____ District

and the

Corps of Engineers, Department of the Army

Statement of Purpose

The purpose of this Memorandum of Agreement is to provide for cooperation between the _____ Conservation District, established pursuant to the laws of the State of _____, and the Corps of Engineers of the Department of the Army, in the planning and carrying out of projects and programs for the conservation, wise utilization, and efficient development of the land, water, and related resources within the _____ Conservation District.

A. What the Corps of Engineers Will Do

1. The Corps of Engineers will call upon the District at an early stage for advice and recommendations in the planning and carrying out of any projects and programs the Corps may undertake within the District.

2. The Corps of Engineers will notify the District of all public hearings on proposed projects and project plans which would affect the land, water, and related resources within the District.

3. The Corps of Engineers will make available to the District such information, technical advice, and assistance as it may request, subject to the limitations of paragraph C-1 of this agreement.

4. The Corps of Engineers will enter into agreements supplemental to this Agreement setting forth in all necessary detail (a) the nature of any assistance to be rendered in connection with the carrying out of a specific project or program, and (b) the arrangements under which such assistance is to be made available.

B. What the Conservation District Will Do

1. The District will assist the Corps of Engineers in carrying out any activities which the latter may undertake within the boundaries of the District by furnishing such advice and recommendations as may, in its opinion, result in better coordination of the Corps activity with the long-range plan of the District.

2. The District will provide the Corps of Engineers with copies of any annual and long-range work plans it may adopt and its annual reports.

3. The District will call upon the Corps of Engineers for such information, technical advice, and assistance in the planning and carrying out of aspects of the District's activities as the Corps may be particularly well qualified to provide because of its specialized knowledge and experience.

C. Further Understandings

1. Any assistance furnished by the Corps of Engineers under the provisions of the Agreement will be subject to the limitations of its legislative authorities, the regulations of the Department of the Army, and the availability of funds and personnel.

2. Cooperation by the District in carrying out the provisions of this Agreement will be subject to the limitations of the laws establishing the District and the availability of funds and personnel.

3. This Memorandum of Agreement will be effective when signed, and may be terminated at any time by mutual consent of the parties hereto, or by either party after 60 days notice of its desire for termination.

BY: _____
Chairman, District Governing Body

DATE: _____

BY: _____
District Engineer,
Corps of Engineers

DATE: _____

ATTEST: The signing of this Memorandum of Agreement was authorized by a resolution of the District Governing Body adopted at a meeting held on _____.

BY: _____
Secretary, District Governing Body

DATE: _____



Soil and Water Conservation Commission

1015 - 13th STREET S.E., SALEM, OREGON 97310 PHONE 378-3810

February 2, 1978

TO: SWCD Chairmen, Commission Members and OACD Board Members

FROM: Charles V. Liles
Director

SUBJECT: Model Memo of Understanding for use with Counties

Enclosed is a copy of the subject Memo of Understanding recommended for your use with the Board of County Commissioners. Specific language addressing ORS 197.185 special district planning responsibilities and agreements with cities and counties is included in the memo. The Executive Director of the Association of Oregon Counties has reviewed and endorsed the memo.

You may wish to add to and/or delete from the model memo to adapt it to your specific situation.

It is the position of the Commission that its plans and programs are in conformance with the statewide planning goals and otherwise meet requirements of ORS 197.180. It is also the Commission's position that the Districts' plans and programs are in conformance with the statewide planning goals as required in ORS 197.185. The Commission also believes that Districts do coordinate their planning with other affected units of local government.

The model Memo of Understanding supports these positions and should assure counties of continued coordination and cooperation by the Districts.

It should not be necessary to execute a similar memo with cities as the counties (COG's in some areas) perform the comprehensive planning coordination function.

Please contact the Commission Office if you have questions or need assistance.

JPH/jla

Enc.

cc: Guy Nutt, SCS
District Conservationists

MODEL

MEMORANDUM OF UNDERSTANDING

Between

SOIL AND WATER CONSERVATION DISTRICT

And

BOARD OF COUNTY COMMISSIONERS

THIS MEMORANDUM OF UNDERSTANDING entered into on _____, _____ between the _____ Soil and Water Conservation District (hereinafter referred to as the "District"), and the _____ Board of County Commissioners (hereinafter referred to as the "County"), and

WHEREAS, the County and the District desire to cooperate in a program of developing and exchanging information, services and facilities that would be mutually beneficial and would serve to achieve common objectives in the conservation and development of renewable natural resources.

WHEREAS, the County has been given responsibility for coordinating all planning activities affecting land uses within the County, including those of the County, cities, special districts and state agencies, to assure a coordinated comprehensive plan for the entire area of the County; and

WHEREAS, the District has been duly established under the authority of ORS 568.210 to 568.800 with responsibility for establishing and administering programs for the planning and management of renewable natural resources lying within its jurisdictional boundaries; and

WHEREAS, the District is required to develop both a long range program and an annual work plan pertaining to the conservation and development of renewable natural resources; and

WHEREAS, the District has entered into Memoranda of Understanding and agreements with many federal, state and local agencies, and works with private landowners and operators in establishing a cooperative working arrangement in carrying out a planned program of conserving and improving the soil, water, wildlife, and related natural resources, and

WHEREAS, ORS 197.185 (2) requires counties and special districts to enter into cooperative agreements with one another in order to bring special district plans and programs into conformity with statewide goals, and to coordinate special district programs with other affected units of local government;

NOW, THEREFORE, for and in consideration of the premises herein contained, the parties hereto agree with each other as follows:

I. THE DISTRICT AGREES TO:

- A. Provide information and services related to guiding proper land use patterns consistent with the needs of soil, water, wildlife, related natural resources, and human resources.
- B. Assist and cooperate in sponsoring and coordinating educational programs.
- C. Advise with the County on planning and development programs dealing with soil, water, wildlife, related natural resources, and related land uses.
- D. Provide the County with information in regard to proposed watershed projects and other local works of improvement that affect land use planning, as the District becomes aware of such proposals.
- E. Provide planning jurisdictions within the District, a Natural Resource Conservation Program for inclusion as natural resource elements of their respective comprehensive plans.
- F. Each year provide planning jurisdictions within the District, an annual work plan to implement objectives and policies contained in the Natural Resource Conservation Program.
- G. Provide planning jurisdictions with an updated Natural Resource Conservation Program to serve as a basis for comprehensive plan revision, as changing circumstances may require.
- H. Conduct its activities in accordance with statewide planning goals.
- I. Support the planning coordination efforts of the County by providing local leadership for planning and management of renewable natural resources.
- J. Provide such other assistance as the District may be able within the limits of its technical and financial resources.

II. THE COUNTY AGREES TO:

- A. Assist with education and information programs designed to make the public aware of the need for the proper use and development of natural resources.
- B. Keep the District informed on planning and development proposals that affect conservation of soil, water, wildlife and related natural resources.
- C. Recognize the Districts' Natural Resource Conservation Program as official input to the comprehensive planning process, and to give appropriate consideration to the objectives and policies contained therein for inclusion in the County Comprehensive Plan.

- D. Recognize the District Annual Work Program as the implementing mechanism for appropriate Natural Resource Conservation Program objectives and policies which have been included in the Comprehensive Plan.
- E. Recognize the District as the local leader in matters pertaining to the planning and management of renewable natural resources.
- F. Consider, and as appropriate, provide fiscal resources to support District activities of benefit to the County.
- G. Consider, and as appropriate, provide fiscal and coordination support to assist the District to comply with requirements of statewide planning goals 1 and 2.

III. IT IS MUTUALLY AGREED:

- A. The District and the County will meet periodically and at least annually to review and coordinate their individual programs and activities for maximum mutual benefit.
- B. Either party using information from the other party in a publication shall credit the provider of the information and shall give the provider opportunity to review drafts of the publication.
- C. This memorandum may be amended or terminated at any time by mutual consent of the parties hereto or may be terminated by either party by giving sixty (60) days notice in writing to the other.
- D. Special Conditions -

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the
 —— day, month, and year first above written.

 SOIL AND WATER CONSERVATION COMMISSION

By: _____
 Chairman

 Secretary

 BOARD OF COUNTY COMMISSIONERS

By: _____
 Chairman

GLOSSARY OF TERMS AND ACRONYMS

| | |
|------------------|---|
| BMPS | Best Management Practices. The conservation and pollution control measures and combinations of measures identified in 208 plans as being both feasible and effective in reducing water pollution. |
| CZM | Coastal Zone Management. |
| CZMA | The Coastal Zone Management Act of 1972, P.L. 92-583, that established the CZM program. It was amended in 1976 as P.L. 94-370. |
| CORPS | The U.S. Army Corps of Engineers, Department of Defense. |
| DISTRICTS | Often used to refer to Conservation Districts. In some states, these are called Soil Conservation Districts, Resource Conservation Districts, or Soil and Water Conservation Districts. |
| EPA | The Environmental Protection Agency. |
| FWPCA | The Federal Water Pollution Control Act, also known as the Clean Water Act. The 1972 legislation was P.L. 92-500. It was amended again in 1977 as P.L. 95-217. |
| NOAA | The National Oceanic and Atmospheric Administration, Department of Commerce. |
| OCZM | The Office of Coastal Zone Management, which is located in NOAA, and is responsible for administering the Coastal Zone Management Act. |
| RCWP | The Rural Clean Water Program, authorized by Section 208 (j) of the Clean Water Act. |
| SCS | The Soil Conservation Service, the agency of the U.S. Department of Agriculture that provides technical assistance to land users on soil and water conservation. |
| 208 | Section 208 of the Federal Water Pollution Control Act of 1972, P.L. 92-500. Section 208 is entitled “Areawide Waste Treatment Management,” and focuses on state and area planning for the prevention and treatment of point and nonpoint sources of pollution. |

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